

Notice of Allowability

Application No.

10/808,555

Examiner

Tam Nguyen

Applicant(s)

GROSSI, MASSIMILIANO

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-7, 9-11 and 13.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

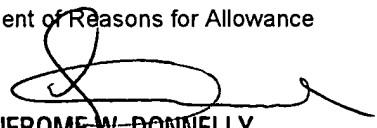
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 9-19-05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JEROME W. DONNELLY
PRIMARY EXAMINER

DETAILED ACTION

EXAMINER'S COMMENT

1. The references cited in the Information Disclosure Statement submitted September 19, 2005 have been considered and they do not affect the allowance of the claims.

Iund et al. '564 disclose a treadmill that includes a deck and a hydraulic pump-powered lift cylinder (68) for changing the incline of the deck (see Fig. 10 & Page 5, paragraphs [0068] and [0069].

Centafani '335 discloses a treadmill that includes a performance-measuring device having a tank that is filled with a volume of liquid according to a user's effort on the treadmill (see Fig. 1).

Melnick et al. '127 disclose a treadmill having deck-inclining means that includes hydraulic cylinders powered by an auxiliary drive unit (see Col. 14, lines 4-7).

Dalebout et al. '528 disclose a treadmill that includes a deck and various resilient elements that may be used to change the incline of the deck (see Figs. 2, 4 and 6-9).

Gvoich '605 discloses a motor-less treadmill that includes a deck and manual telescoping means for changing the incline of the deck (see Fig. 5).

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:
After carefully reviewing the related prior art including the references cited above, the claims as presented avoid the prior art of record. The prior art does not disclose a treadmill having actuation means comprising a support frame, a main

Art Unit: 3764

roller and a free roller on the support frame and an endless belt that winds around the support frame and the rollers wherein the actuation means is driven by the winding motion of the belt by energy supplied by a user. The actuation means for winding the belt also actuates a motor means for varying the support frame's incline. In particular, the motor means control hydraulic cylinder means that are connected to the support frame to vary the inclination of the support frame.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is 571-272-4979. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4778. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3764

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 28, 2005

JEROME W. DONNELLY
PRIMARY EXAMINER

